

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 06-

v. : 18 U.S.C. §§ 371, 666(a)(2),
1341, 1346 and 2

MOSHE G. GOHAR, : **I N D I C T M E N T**
a/k/a "MICHAEL GOHAR,"
a/k/a "MIKE GOHAR"

The Grand Jury in and for the District of New Jersey,
sitting at Newark, charges:

COUNT 1

**(Scheme to Defraud the Public of Ocean
Township Official's Honest Services)**

1. At all times relevant to this Indictment:

a. Defendant MOSHE G. GOHAR, a/k/a "Michael Gohar,"
a/k/a "Mike Gohar," [hereinafter defendant "MIKE GOHAR"] was a
resident of West Deal, New Jersey, and was a partner in a
development corporation located in Neptune, New Jersey. The
corporation was responsible for the development of approximately
81.1 acres of land (a substantial portion of which was wetlands
and, therefore, unbuildable) located between West Park Avenue and
Green Grove Road in Ocean Township (Monmouth County, N.J.).
Defendant MIKE GOHAR sought to develop this area as a residential
housing cluster development and further sought authorization from
Ocean Township to build as many residences as possible on the
land in order to maximize the profitability of the project. To

build this cluster development, defendant MIKE GOHAR needed to secure from the Ocean Township government the rezoning of this area.

b. Terrance D. Weldon was the Mayor of Ocean Township, having first been elected a Councilman in or about 1989 and first been appointed as Mayor in or about 1991. Weldon also was a member of the Ocean Township Planning Board, having first become a member in or about 1991. The Planning Board was responsible for determining whether to recommend land-use development within Ocean Township, including, but not limited to, subdivisions, site plans, and planned-development applications. Weldon also became the Asbury Park City Manager in or about November 2000.

c. Philip Konvitz was a resident of Elberon, New Jersey, and was the owner and proprietor of Jumping Brook Enterprises located at 114 Walnut Street, Neptune, New Jersey. Konvitz also owned many other properties and interests in and around Asbury Park, New Jersey. Konvitz had a long-standing financial relationship with defendant MIKE GOHAR. Konvitz also had a long-standing relationship with Weldon. Konvitz helped secure the position of Asbury Park City Manager for Weldon.

Public's Right to, and Weldon's Duty of, Honest Services

2. At all times relevant to this Count of the Indictment,

Ocean Township and its citizens had an intangible right to the honest services of their public officials. As a public official for Ocean Township, Terrance D. Weldon owed the Township and its citizens a duty to: (a) refrain from accepting and agreeing to accept bribes and other corrupt payments and benefits designed to (i) improperly affect the performance of his official duties or (ii) coax his favorable official action or inaction; and (b) disclose conflicts of interest pertaining to Weldon's direct and indirect personal financial gain and other material information in official matters over which he exercised authority and discretion.

Corrupt Scheme

3. From in or about 2000 to in or about the early summer, 2001, in Monmouth County, in the District of New Jersey, and elsewhere, defendant

MOSHE G. GOHAR,
a/k/a "MICHAEL GOHAR,"
a/k/a, "MIKE GOHAR,"

and co-schemers Philip Konvitz and Terrance D. Weldon knowingly and willfully did devise and intend to devise a scheme and artifice to defraud Ocean Township and its citizens of the right to Weldon's honest services in the affairs of Ocean Township.

4. The object of this scheme and artifice to defraud was for defendant MIKE GOHAR and Philip Konvitz to offer and pay

Terrance D. Weldon money, including approximately \$50,000, to influence and reward Weldon for his agreement to do official favors in connection with the rezoning of defendant MIKE GOHAR's development in Ocean Township and to conceal this material information from the public by, among other things: (A) using Konvitz as a middleman and intermediary between defendant MIKE GOHAR and Weldon; (B) speaking in guarded language over the telephone about the terms and progress of material parts of the corrupt arrangement; (C) meeting in locations outside of the public's view, like Konvitz's home and the Jumping Brook Enterprises office; (D) using cash to make the corrupt payment in an attempt to conceal an audit trail leading to defendant GOHAR; (E) secreting a \$50,000 corrupt cash payment in the attic in Weldon's home; and (F) having Weldon intentionally not disclose this arrangement to Ocean Township government.

5. It was part of this scheme and artifice to defraud that:

(A) On or about June 5, 2000, at the Jumping Brook Enterprises office, Weldon and Konvitz discussed the progress of defendant MIKE GOHAR'S development in Ocean Township and the number of residential units to be built on the property. Konvitz asked Weldon if Weldon would be able to secure approval for 90 units on the property, to which Weldon replied that he believed that he realistically could secure approval for 75 units, despite

his efforts to secure approval for a greater number, because defendant GOHAR had only approximately 30 acres of land upon which to build these units.

(B) On or about June 5, 2000, defendant MIKE GOHAR received a telephone call from Konvitz, along with Weldon, informing defendant GOHAR that Weldon would be able to secure approval for 75 units, which, according to Weldon, was 45 units above what was appropriate. Weldon informed defendant GOHAR that he would not be able to obtain approval for the construction of 90 units as part of the development due to concerns of other members of the Township Council and the Planning Board, but that Weldon would attempt to secure approval for as many units as possible.

(C) On or about June 5, 2000, at the Jumping Brook Enterprises office, Weldon informed Konvitz, upon the conclusion of Weldon's conversation with defendant MIKE GOHAR, that Weldon feared that defendant GOHAR might walk away from Weldon after Weldon secured the necessary approvals for defendant GOHAR's cluster development because Weldon did not have a lot of trust in defendant GOHAR. Konvitz then discussed Weldon being "taken care of," if Weldon secured approval for 80 units for defendant GOHAR, prompting Weldon, among other things, to instruct Konvitz not to talk on the telephone--such instruction being calculated to conceal the conduct of defendant GOHAR, Konvitz and Weldon. Konvitz then called defendant GOHAR to arrange a meeting with

defendant GOHAR. Weldon also informed Konvitz that Weldon would "fight like hell" to get 80 units approved.

(D) On or about December 19, 2000, at the Jumping Brook Enterprises Office, Konvitz offered Weldon at least \$5,000 as an incentive payment to influence and reward Weldon in connection with Weldon's ongoing efforts on behalf of defendant MIKE GOHAR. Weldon replied that he would not accept the money at that time, preferring to accept money after he had concluded securing approval of the rezoning for defendant GOHAR.

(E) On or about December 27, 2000, at the Ocean Township Council meeting, in Oakhurst, New Jersey, Mayor Terrance D. Weldon voted in favor of approving a local ordinance that, among other things, (i) amended the Official Zoning Map of Ocean Township to create a Single Family Court Cluster Overlay Option for defendant MIKE GOHAR's development, and (ii) provided that the number of dwelling units on that land should not exceed 75. The Township Council, including Weldon, thereafter directed that the ordinance be advertised in the local newspaper with notice of a public hearing to be held regarding the ordinance on January 10, 2001.

(F) On or about December 27, 2000, over Konvitz's home telephone, in guarded language calculated as part of the ongoing effort to conceal the corrupt activity, Weldon indicated to Konvitz that he took the next step in defendant MIKE GOHAR's

project in Ocean Township. Weldon stated that the project would be finished on January 10, 2001 and that the vote was unanimous.

(G) On or about December 27, 2000, defendant MIKE GOHAR received a telephone report from Konvitz, in guarded language, informing him that Konvitz had spoken to Weldon, that the matter went very well, and that everybody was supporting the matter. Defendant GOHAR replied, "excellent," and suggested that Konvitz and himself possibly meet the following day.

(H) On or about January 3, 2001, defendant MIKE GOHAR received a telephone report from Konvitz, in guarded language, that Weldon was coming to Konvitz's house at a certain time. Konvitz asked defendant GOHAR to come over to his house immediately to discuss Konvitz's planned meeting with Weldon. Defendant GOHAR replied that he would meet with Konvitz prior to Konvitz's meeting with Weldon. In response to defendant GOHAR's inquiry whether Konvitz wanted defendant GOHAR to talk to Weldon directly, Konvitz, continuing to act as a middleman and intermediary, replied that Konvitz could not let defendant GOHAR do that.

(I) On or about January 7, 2001, defendant MIKE GOHAR was informed by Konvitz, in guarded language, that his "friend," meaning Weldon, had called. In another guarded reference to Weldon, Konvitz then asked defendant GOHAR if GOHAR could help "my friend" before GOHAR went away. Defendant GOHAR replied that

he would take care of it. Konvitz further requested that defendant GOHAR take care of Weldon after January 10, 2001. Konvitz further advised defendant GOHAR that Weldon had told him that the project was all done. Defendant GOHAR and Konvitz planned to meet the following day. Thereafter, the ordinance temporarily was withdrawn from the Ocean Township Council's January 10, 2001 meeting agenda.

(J) On or about February 14, 2001, over Konvitz's home telephone, Weldon informed Konvitz, in guarded language, that a meeting was scheduled that night on the application in Ocean Township over by Konvitz's son's house--meaning the application to rezone defendant MIKE GOHAR's development to allow for the construction of the 75-unit cluster development. Weldon indicated to Konvitz that he would get the application approved and that the ordinance would be "just about done" that night. Konvitz asked Weldon to call him after the meeting and instructed Weldon to "get it done."

(K) On or about February 14, 2001, defendant MIKE GOHAR received a telephone report from Konvitz that Konvitz had just called Weldon and was informed that there was an Ocean Township Council meeting that night. Defendant GOHAR was further informed by Konvitz that Weldon had agreed to call Konvitz afterward, but that Weldon assured him that the matter was going to be okay.

(L) On or about February 14, 2001, at the Ocean Township

Council meeting in Oakhurst, New Jersey, Mayor Terrance D. Weldon voted in favor of approving a revised ordinance that, among other things, (i) amended the Official Zoning Map to create a Single Family Court Cluster Overlay Option for defendant MIKE GOHAR's development and (ii) provided that the number of dwelling units on that land should not exceed 75.

(M) On or about February 14, 2001, over Konvitz's home telephone, Konvitz asked Weldon, "Is it finished now?" Weldon informed Konvitz that it would be official in 15 days--a reference to the expected final passage of the ordinance regarding defendant MIKE GOHAR's development after a public hearing was held by the Township Council on February 28, 2001.

(N) On or about February 22, 2001, Konvitz met Weldon at the Jumping Brook Enterprises Office where Weldon informed Konvitz that the ordinance favoring defendant MIKE GOHAR's development would finally be approved on Wednesday (February 28, 2001).

(O) On or about February 27, 2001, over Konvitz's home telephone, Konvitz remarked to defendant MIKE GOHAR that he thought that defendant GOHAR had given Konvitz \$50,000 to give to Weldon. In response, defendant GOHAR stated and repeated to Konvitz that this was "no issue."

(P) On or about February 28, 2001, at the Ocean Township Council meeting, in Oakhurst, New Jersey, upon conclusion of the

public hearing related thereto, Mayor Terrance D. Weldon voted in favor of adopting the revised ordinance for defendant MIKE GOHAR's development and advertising the final passage of the ordinance in the local newspaper.

(Q) On or about March 1, 2001, over Konvitz's home telephone, Weldon notified Konvitz that "we did that thing last night" near Konvitz's son's house in Ocean Township--a guarded reference to the final approval of the revised ordinance for defendant MIKE GOHAR's development.

(R) On or about March 1, 2001, defendant MIKE GOHAR and Konvitz discussed the final approval of the ordinance that Weldon had secured for rezoning defendant GOHAR's development.

(S) On or about March 18, 2001, over Konvitz's home telephone, after a certified copy of the February 28, 2001 ordinance had been mailed on or about March 6, 2001 to the Monmouth County Planning Board for filing so that the ordinance could take effect under New Jersey Municipal Land Use Law, Weldon informed Konvitz that the ordinance was finished. Konvitz replied that he would "go to work then."

(T) Between in or about the spring and early summer 2001, defendant MIKE GOHAR met Weldon in front of defendant GOHAR's home and gave Weldon a bag containing approximately \$50,000 in cash hidden with an assortment of magazines. Weldon subsequently concealed the cash in the attic of his home in Oakhurst, New

Jersey until on or about January 23, 2002.

(U) Weldon intentionally did not disclose to the Ocean Township government his agreement to accept, and his subsequent acceptance of, cash from defendant MIKE GOHAR and Konvitz in exchange for his official actions in favor of defendant GOHAR's development project as specific opportunities arose.

6. On or about March 6, 2001, in Monmouth County, in the District of New Jersey, and elsewhere, for the purpose of executing and attempting to execute this scheme and artifice to defraud, defendant

MOSHE G. GOHAR,
a/k/a "MICHAEL GOHAR,"
a/k/a "MIKE GOHAR,"

and co-schemers Philip Konvitz and Terrance D. Weldon knowingly and willfully placed and caused to be placed in a post office and authorized depository for mail, and caused to be sent and delivered thereon, certain mail matter, to be delivered by the United States Postal Service, namely, a certified copy of the ordinance rezoning defendant MIKE GOHAR's development addressed to the Monmouth County Planning Board.

In violation of Title 18, United States Code, Sections 1341, 1346 and 2.

COUNT 2

(Gohar Conspires to Pay Off Ocean Township Mayor Weldon)

1. Paragraphs 1 and 5 of Count 1 are hereby incorporated and realleged as if fully set forth herein.

2. At all times relevant to this Count of the Indictment, Ocean Township was a municipality in Monmouth County, New Jersey that received federal assistance in excess of \$10,000 per year.

3. From in or about 2000 to in or about the early summer, 2001, in Monmouth County, in the District of New Jersey, and elsewhere, defendant

MOSHE G. GOHAR,
a/k/a "MICHAEL GOHAR,"
a/k/a "MIKE GOHAR,"

and coconspirator Philip Konvitz knowingly and willfully did conspire, combine, confederate and agree with one another to corruptly give and offer to Terrance D. Weldon things of value, including at least approximately \$50,000, intending to influence and reward Weldon, in connection with a business, transaction, and series of transactions of Ocean Township involving a thing of value of \$5,000 or more, contrary to Title 18, United States Code, Section 666(a)(2).

OVERT ACTS

In furtherance of this conspiracy and to effect its objects, the following overt acts were committed in the District of New

Jersey and elsewhere:

| ACT NO. | DATE | LOCATION | OVERT ACT |
|---------|---|-------------------------------------|---|
| 1 | February 27, 2001 | Coconspirator Philip Konvitz's home | Defendant MIKE GOHAR received a telephone call from Konvitz regarding \$50,000 to give to Weldon. |
| 2 | March 1, 2001 | Coconspirator Philip Konvitz's home | Konvitz and Weldon engaged in a telephone call, where Weldon notified Konvitz that the ordinance pertaining to defendant GOHAR had been successfully approved the previous night. |
| 3 | March 1, 2001 | Jumping Brook Enterprises Office | Defendant MIKE GOHAR and Konvitz discussed that Weldon had obtained final approval of the ordinance for defendant GOHAR's development. |
| 4 | March 18, 2001 | Coconspirator Philip Konvitz's home | Konvitz received a telephone call from Weldon where, in response to a question from Konvitz, Weldon answered that the ordinance had been finished. |
| 5 | Between in or about spring and the early summer, 2001 | near Defendant MIKE GOHAR's home | Defendant GOHAR gave approximately \$50,000 in cash to Weldon. |

In violation of Title 18, United States Code, Section 371.

COUNT 3

(Gohar Pays Off Ocean Township Mayor Weldon)

1. Paragraphs 1 and 5 of Count 1 and paragraph 2 of Count 2 are hereby incorporated and realleged as if fully set forth herein.

2. Between in or about spring and the early summer 2001, in Monmouth County, in the District of New Jersey, and elsewhere, defendant

MOSHE G. GOHAR,
a/k/a "MICHAEL GOHAR,"
a/k/a "MIKE GOHAR,"

and Philip Konvitz knowingly and willfully did give, offer and agree to give Terrance D. Weldon approximately \$50,000 in cash, intending to influence and reward Weldon, in connection with a business, transaction, and series of transactions of Ocean Township involving a thing of value of \$5,000 or more.

In violation of Title 18, United States Code, Sections 666(a)(2) and 2.

A TRUE BILL

FOREPERSON

CHRISTOPHER J. CHRISTIE
UNITED STATES ATTORNEY